



**ADMINISTRATION FOR CHILDREN AND FAMILIES  
OFFICE OF CHILD SUPPORT ENFORCEMENT**

**STATE ACCESS AND VISITATION PROGRAM GRANT**

*Catalog of Federal Domestic Assistance (CFDA) Program No. 93.597*

**TERMS AND CONDITIONS**

**FISCAL YEAR 2007**

October 1, 2006 – September 30, 2007

By acceptance of this award, the State or Territory agrees to comply with the terms and conditions detailed below. Failure to comply with these terms and conditions may result in the loss of Federal funds and may be considered grounds for the suspension or termination of this grant.

**PROGRAM STANDARDS**

1. The administration of this program is based on:

- the provisions of **Part D of Title IV** of the Social Security Act (specifically, **\$469B** of the Act),
- the approved State application and plan, including all approved amendments or revisions,
- applicable Federal regulations, program policies and instructions.

**ADMINISTRATIVE REQUIREMENTS**

2. This program is governed by the following Federal regulations:

- **2 CFR Part 225** – Cost Principles for State, Local and Indian Tribal Governments (*formerly OMB Circular A-87*)
- **45 CFR Part 16** - Procedures of the Departmental Grant Appeals Board;
- **45 CFR Part 30** - Claims Collection;
- **45 CFR Part 76** – Government wide Debarment and Suspension (Nonprocurement);
- **45 CFR Part 80** - Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964;
- **45 CFR Part 81** - Practice and Procedure for Hearings Under Part 80 of this Title;
- **45 CFR Part 84** - Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance;
- **45 CFR Part 87** – Equal Treatment for Faith-Based Organizations;
- **45 CFR Part 91** - Nondiscrimination on the Basis of Age in HHS Programs or Activities Receiving Federal Financial Assistance;
- **45 CFR Part 92** - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
- **45 CFR Part 93** - New Restrictions on Lobbying;
- **45 CFR Part 95, Subpart E** - Cost Allocation Plans;
- **45 CFR 303.109** - Procedures for State monitoring, evaluation and reporting on programs funded by Grants to States for Access and Visitation Programs.

3. This program is governed by the following Circulars from the Office of Management and Budget:

- **Circular A-87** - Cost Principles for State, Local and Indian Tribal Government (*republished as Federal regulations at 2 CFR Part 225*)
- **Circular A-133** - Audits of States, Local Governments and Non-Profit Organizations, including the audit requirements of the **Single Audit Act of 1984** (Public Law 98-502).

4. In accordance with Public Law 103-333, the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 1995," the following provisions are applicable to this grant award:

Section 507: "Purchase of American-Made Equipment and Products - It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made."

Section 508: "When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all States receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources."

5. In accordance with Title XII of Public Law 103-227, the "PRO-KIDS Act of 1994," smoking may not be permitted in any portion of any indoor facility owned or regularly used for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs wither directly or through State or local governments. Federal programs include grants, cooperative agreements, loans and loan guarantees, and contracts. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions or facilities and used for inpatient drug and alcohol treatment.

The above language must be included in any subawards that contain provisions for children's services and that all subgrantees shall certify compliance accordingly. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to \$1,000 per day.

6. Direct Federal grants, sub-awards, or contracts under this program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded under this program. (See 45 CFR 87)

7. Federal grant funds provided under this award may not be used by the grantee or any sub-grantee to support lobbying activities to influence proposed or pending Federal or State legislation or appropriations. This prohibition is related to the use of Federal grant funds and is not intended to affect an individual's right or that of any organization, to petition Congress, or any other level of Government, through the use of other resources. (See 45 CFR 93.)

**SUB-RECIPIENTS UNDER GRANTS**

8. States are required to determine recipient type when sub-granting or contracting using Federal funds. In accordance with the standards set in OMB Circular A-133, the determination is based on the substance of the relationship with the State, rather than the form of the agreement.
- The presence of one or more of the following conditions would indicate that the recipient should be considered a sub-grantee and is subject to the provisions of OMB Circular A-133:
    - a. Determines who is eligible to receive what Federal financial assistance;
    - b. Has its performance measured against whether the objectives of the Federal program are met;
    - c. Has responsibility for programmatic decision making;
    - d. Has responsibility for adherence to applicable Federal program compliance requirements;
    - e. Uses the Federal funds to carry out a program of the organization as compared to providing goods or services for a program of the pass-through entity;
  - The presence of one or more of the following conditions would indicate that the recipient should be considered a vendor and is not subject to the provisions of OMB Circular A-133:
    - a. Provides the goods and services within normal business operations;
    - b. Provides similar goods or services to many different purchasers;
    - c. Operates in a competitive environment;
    - d. Provides goods or services that are ancillary to the operation of the Federal program;
    - e. Is not subject to compliance requirements of the Federal program.
9. No organization may participate in this program in any capacity or be a recipient of Federal funds designated for this program if the organization has been debarred or suspended or otherwise found to be ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension." (See 45 CFR 92.35.) States must include a similar term and/or condition for all sub-awards or contracts awarded under this program. Prior to issuing subawards or contracts under this grant, the state must consult the ineligible parties list to ensure that organizations under funding consideration are not ineligible. The list is available on the Web at <http://www.epls.gov>.
10. States are responsible for monitoring grant, sub-grant/sub-recipient and contract supported activities to assure compliance with Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function and activity. (See 45 CFR 92.40.)
11. States are required to advise sub-grantees/sub-recipients of requirements imposed on them by Federal laws, regulations, and the provisions of grant agreements or contracts as well as any supplemental requirements imposed by the State. These include grant administrative requirements under 45 CFR Part 92 and cost principles according to recipient type ;
- Nonprofit subrecipients - OMB Circular A-122;
  - Educational institution subrecipients - OMB Circular A-21;
  - Commercial vendors or subcontractors - Cost principles under 48 CFR Part 31.

**FINANCIAL MANAGEMENT**

12. Federal funds awarded under this grant program must constitute no more than **90 percent** of total program expenditures. The remaining **10 percent** of program expenditures must be derived from non-Federal sources, including State funds, local funds or cash or in-kind contributions. (The requirement to provide a 10 percent share of total program expenditures is not applicable to Guam or the Virgin Islands.)
13. Federal funds awarded under this grant program must not be used for construction or the purchase of land.
14. Federal funds awarded under this grant must be expended for the purposes for which they were awarded and within the time period allotted, in accordance with the obligation and liquidation deadlines discussed below.
  - a. Funding Period. The funding period for this award is **October 1, 2006 through September 30, 2008.**
  - b. Obligation Deadline. The Federal funds awarded under this grant must be obligated by the end of the funding period (i.e., **no later than September 30, 2008**). Any Federal funds from this award not obligated by this date will be recouped by this Department.
  - c. Liquidation Deadline. In accordance with Federal regulations at 45 CFR 92.23(b), all obligated Federal funds awarded under this grant must be liquidated no later than 90 days after the end of the funding period (i.e., **no later than December 30, 2008**). Any Federal funds from this award not liquidated by this date will be recouped by this Department.
15. Financial Reports

States are required to file periodic expenditure reports using standard OMB Form SF-269A (Short Form) "**Financial Status Report.**" This report will indicate the amount of Federal grant funds that have been obligated, liquidated and remain unobligated during the reporting period and during the funding period, to date.

  - a. States are strongly encouraged to file these reports electronically through the ACF On-Line Data Collection (OLDC) system. OLDC requires electronic signatures from the appropriate State official. (See Action Transmittal OA-ACF-AT-01-05, issued January 24, 2005.) States that elect to file electronic reports are not required to file paper reports.
  - b. For States that elect to submit paper copies of the required reports, send one (1) copy of each submission, with an original signature, to the financial office and an additional copy to the program office. (See "Important Addresses," below.)
  - c. A "fillable" copy of Form SF-269A (Short Form) is available on the OMB web site at <http://www.whitehouse.gov/omb/grants/sf269a.pdf>

- d. Regardless of the method of submission, States must adhere to the following submission schedule:
- o The initial report must be submitted no later than 90 days following the end of the grant year (i.e., **no later than December 30, 2007**), for the 12-month reporting period of October 1, 2006 through September 30, 2007.
  - o The final report must be submitted no later than 90 days following the end of the liquidation period (i.e., **no later than March 30, 2009**), for the 15-month reporting period of October 1, 2007 through December 30, 2008.

## GRANT PAYMENTS

16. Payments under this grant will be made by Letter of Credit through the Department of Health and Human Services' Payment Management System (PMS) and *Smartlink*. The State must comply with requirements imposed by the PMS on-line system. Please direct any questions (include phone number) concerning grant payments to the payment office. (See "Important Addresses," below).

## GRANTEE ADDRESS CHANGES

17. Grant award letters will be sent to the address in our records. Please send address changes or corrections to the financial office. (See "Important Addresses," below.) Addresses should not include individuals names and, if possible, should be limited to four or five lines of text.

## IMPORTANT ADDRESSES

- o Program Office: Administration for Children and Families  
Office of Child Support Enforcement  
Division of State, Tribal and Local Assistance  
370 L'Enfant Promenade, S.W., 4<sup>th</sup> Floor East  
Washington, D.C. 20447

Contact: Debra Pontisso  
e-mail: [dpontisso@acf.hhs.gov](mailto:dpontisso@acf.hhs.gov)  
phone: (202) 401-4548  
fax: (202) 401-5539

- o Financial Office: Administration for Children and Families  
Office of Grants Management  
Division of Mandatory Grants  
Att'n: State Access and Visitation Program  
370 L'Enfant Promenade, S.W., 6<sup>th</sup> Floor East  
Washington, D.C. 20447

Contact: John White  
e-mail: [john.white@acf.hhs.gov](mailto:john.white@acf.hhs.gov)  
phone: (202) 401-5567  
fax: (202) 401-5644

o Payment Office: U.S. Department of Health and Human Services  
Division of Payment Management  
Payment Management System (PMS)  
P.O. Box 6021  
Rockville, Maryland 20852

Contact: PMS Help Desk  
phone: (877) 614-5533  
Internet site: <http://www.dpm.psc.gov>

**IMPORTANT NOTE**

The U.S. Government Accountability Office (GAO) maintains **FraudNET**, a system for reporting allegations of fraud, waste and abuse under Federal grants and cooperative agreements. Reports are kept confidential; you need not provide your name. Information provided through the Internet web site is secure and all information is safeguarded against unauthorized disclosure.

Report the possible misuse of federal funds, through one of the following methods:

- Phone: (800) 424-5454;
- Fax: (202) 512-3086;
- E-mail: [fraudnet@gao.gov](mailto:fraudnet@gao.gov) ;
- Mail: GAO FraudNET  
441 G Street N.W.  
Washington, D.C. 20548

Please provide as much detailed information as possible in your report.